

MONTANA LEGISLATIVE HISTORY

Chapter 31 1981

Bill H _____ S 62

Original bill & history ✓c

H. Committee on Natural Resources S. Committee on State Administration

Hearing Date(s) 1/26 _____c

Hearing Date(s) 1/9 _____c

1/28 _____c

1/13 _____c

_____c

_____c

_____c

_____c

Date Out _____c

Did this bill originate in an interim committee? _____Yes _____No

Committee _____

Report _____

TRANSMITTED TO GOVERNOR: 4/21/81
ACTION: 4/23, SIGNED
CHAPTER 509

SB 59 -- S. BROWN -- AMENDING 85-2-306 TO PROVIDE EXEMPTION FOR A STOCK
WATERING PIT-CONDITIONS

PREFILED AND REFERRED TO COMMITTEE ON AGRICULTURE: 12/30/80
HEARING: 1/14
REPORT: 1/15, DO PASS
2ND READING: 1/17, YEAS: 40; NAYS: 1
3RD READING: 1/20, YEAS: 43; NAYS: 4

TRANSMITTED TO HOUSE: 1/20
REFERRED TO COMMITTEE ON AGRICULTURE: 1/21
HEARING: 1/26
ON MOTION, TAKEN FROM COMMITTEE ON AGRICULTURE AND REREFERRED TO
SELECT COMMITTEE ON WATER: 1/29
HEARING: 2/3
REPORT: 2/25, DO PASS
2ND READING: 3/3, YEAS: 71; NAYS: 19
3RD READING: 3/5, YEAS: 86; NAYS: 8

RETURNED TO SENATE: 3/5
TRANSMITTED TO GOVERNOR: 3/10/81
ACTION SIGNED: 3/11/81
CHAPTER 30

SB 60 -- ELLIOTT -- SUBJECTING FEES FOR CERTAIN MEDICAL SERVICES TO
REGULATION BY DIVISION OF WORKERS' COMPENSATION.

PREFILED AND REFERRED TO COMMITTEE ON LABOR AND EMPLOYMENT
RELATIONS: 12/30/80
HEARING: 1/8
REPORT: 1/21, DO PASS AS AMENDED
2ND READING: 1/23, YEAS: 36; NAYS: 9
3RD READING: 1/26, YEAS: 47; NAYS: 2

TRANSMITTED TO HOUSE: 1/26
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/27
HEARING: 3/5
REPORT: 3/5, BE CONCURSED IN
2ND READING: 3/9, YEAS: 71; NAYS: 3
3RD READING: 3/11, YEAS: 90; NAYS: 3

RETURNED TO SENATE: 3/11

TRANSMITTED TO GOVERNOR: 3/16/81
ACTION: 3/19, SIGNED
CHAPTER 90

SB 61 -- ELLIOTT -- TO REPEAL CLASS SIX PROPERTY TAXATION.

FISCAL NOTE: REQUIRED
PREFILED AND REFERRED TO COMMITTEE ON TAXATION: 12/31/80
FAILED TO MEET TRANSMITTAL DEADLINE: 4/6 -- DIED

SB 62 -- MAZUREK -- TO PROVIDE THAT FINES, ETC., PAID TO DEPARTMENT OF
STATE LANDS, ETC., ARE CREDITED TO THE GENERAL FUND.

FISCAL NOTE: REQUIRED
PREFILED AND REFERRED TO COMMITTEE ON
ADMINISTRATION: 12/30/80
HEARING: 1/9

BEST
AVAILABLE

REPORT: 1/13, DO PASS
2ND READING: 1/15, DO PASS
3RD READING: 1/17, YEAS: 45; NAYS: 0

TRANSMITTED TO HOUSE: 1/17
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 1/19
HEARING: 1/26
REPORT: 1/28, BE CONCURRED IN
2ND READING: 2/5, ON MOTION, PASSED FOR THE DAY.
ON MOTION, 2/5, PASSED CONSIDERATION UNTIL THE 46TH LEGISLATIVE
DAY.

2ND READING: 3/2, YEAS: 91; NAYS: 0
3RD READING: 3/4, YEAS: 94; NAYS: 5

RETURNED TO SENATE: 3/4
TRANSMITTED TO GOVERNOR: 3/10/81
ACTION SIGNED: 3/11/81
CHAPTER 31

B 63 -- TO CONFORM THE STATUTES REGARDING AMENDMENT OF CHARGES IN
CRIMINAL CASES TO CASE LAW.

PREFILED AND REFERRED TO COMMITTEE ON JUDICIARY: 12/30/80
HEARING: 1/13
REPORT: 1/20, DO PASS
2ND READING: 1/29, DO PASS AS AMENDED
3RD READING: 1/26, YEAS: 49; NAYS: 0

TRANSMITTED TO HOUSE: 1/26
REFERRED TO COMMITTEE ON JUDICIARY: 1/27
HEARING: 3/4
REPORT: 3/4, BE CONCURRED IN
2ND READING: 3/5, YEAS: 98; NAYS: 0
3RD READING: 3/7, YEAS: 93; NAYS: 2

RETURNED TO SENATE: 3/7
TRANSMITTED TO GOVERNOR: 3/11/81
ACTION: 3/16, SIGNED
CHAPTER 62

64 -- ELLIOTT -- TOTAL DISABILITY COMPENSATION BENEFITS TERMINATE
WHEN....

INTRODUCED: 1-5
REFERRED TO COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS: 1/6
HEARING: 1/13
REPORT: 1/14, DO PASS
RE-REFERRED TO COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS: 1/17
HEARING: 1/29
REPORT: 2/1, DO PASS
2ND READING: 2/12, YEAS: 26; NAYS: 16
3RD READING: 2/14, YEAS: 28; NAYS: 21

TRANSMITTED TO HOUSE: 2/14
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/16
HEARING: 3/10
REPORT: 3/19, BE CONCURRED IN
ON MOTION, 3/26, PASSED FOR THE DAY.
ON MOTION, 3/27, PASSED CONSIDERATION TO 71ST LEGISLATIVE
DAY.
2ND READING: 4/1, ON MOTION, PASSED FOR THE DAY.
3RD READING: 4/1, YEAS: 51; NAYS: 26

BEST COPY,
AVAILABLE

SENATE BILL NO. 62

INTRODUCED BY MAZUREK

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on State Administration.
January 6, 1981	Fiscal note requested.
January 8, 1981	Fiscal note returned.
January 13, 1981	Committee recommend bill do pass. Report adopted.
January 14, 1981	Bill printed and placed on members' desks.
January 15, 1981	Second reading, do pass.
January 16, 1981	Considered correctly engrossed.
January 17, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 19, 1981	Introduced and referred to Committee on Natural Resources.
January 30, 1981	Committee recommend bill be concurred in. Report adopted.
February 5, 1981	Second reading, pass consideration until the 46th legislative day, March 2nd.
March 2, 1981	Second reading, concurred in.
March 4, 1981	Third reading, concurred in. Yeas, 94; Nays, 5.

IN THE SENATE

March 5, 1901

Returned from House. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

SENATE BILL NO. 62

INTRODUCED BY MAZUREK

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT FINES, FEES, AND PENALTIES PAID TO THE DEPARTMENT OF STATE LANDS UNDER THE STRIP AND UNDERGROUND MINE SITING ACT, AND THE STRIP AND UNDERGROUND MINE RECLAMATION ACT ARE CREDITED TO THE GENERAL FUND; AMENDING SECTIONS 82-4-113, 82-4-240, AND 82-4-241, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-4-113, MCA, is amended to read:

"82-4-113. Receipts paid into special fund -- use of fund. ~~At~~ Except for bond forfeiture moneys, all fees, ~~forfeit-funds penalties,~~ and other moneys available or paid to the department under the provisions of this part shall be placed in the state treasury and credited to ~~a special agency account to be designated as the mining and reclamation funds. This fund shall be available to the department by appropriation and shall be expended for the administration and enforcement of this part and for the reclamation and revegetation of land and the rehabilitation of water affected by any mining operations. Any unencumbered and any unexpended balance of this fund~~

~~remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of this part until expended or until appropriated by subsequent legislative action the general fund."~~

Section 2. Section 82-4-240, MCA, is amended to read:

"82-4-240. Reclamation of lands after bond forfeited.

In keeping with the provisions of this part, the board may reclaim any affected lands with respect to which a bond has been forfeited ~~and use moneys appropriated from the mining and reclamation fund for such purposes."~~

Section 3. Section 82-4-241, MCA, is amended to read:

"82-4-241. Receipts paid into special fund -- use of

fund. ~~At~~ Except for bond forfeiture moneys, all fees, ~~forfeit-funds penalties,~~ and other moneys available or paid to the department under the provisions of this part shall be placed in the state treasury and credited to ~~a special agency account to be designated as the mining and reclamation funds. This fund shall be available to the department by appropriation and shall be expended for the administration and enforcement of this part and for the reclamation and revegetation of land and the rehabilitation of water affected by any mining operations. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of this part until~~

-2- INTRODUCED BILL

SB 62

LC 0246/01

1 expended--or--until--appropriated--by--subsequent--legislative
2 action the general fund."

-End-

STATE OF MONTANA

REQUEST NO. 21-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 7, 19 81, there is hereby submitted a Fiscal Note
Senate Bill 62 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Act to provide that fines, fees, and penalties paid to the Department of State Lands under the Strip and Underground Mine Siting Act, and the Strip and Underground Mine Reclamation Act are credited to the general fund.

COMMENTS:

The passage of this legislation would have no effect on revenue or expenditures. The legislation would only require that any revenue collected under the Strip and Underground Mine Siting Act and the Strip and Underground Mine Reclamation Act be placed in the General Fund rather than an Earmarked Revenue Account.

Appropriation for the operations of the Acts would be made from the general fund.

Lyle Manley, for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/8/81

COMMITTEE ON STATE ADMINISTRATION

PAGE 1

<u>SENATE</u> BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS <u>DATE</u>	DO NOT PASS <u>DATE</u>	DO PASS AS AMEND. <u>DATE</u>	BE CON- CURRED IN <u>DATE</u>	BE CONC. IN AS AMENDED <u>DATE</u>	BE NOT CON- CURRED IN <u>DATE</u>
Senate 10	1/5/81	transferred to judiciary	1/6/81						
26	1/5/81	1/8; 1/12				1/12/81			
39	1/5	1/8		1/8/81					
46	1/5	1/8		1/8/81					
56	1/5								
62	1/5	1/9; 1/13		1/13/81					
71	1/7	1/12; 1/13				1/13/81			
72	1/7	1/12; 1/13		1/13					
74	1/15	1/22; 1/27		1/27					
78	1/8	1/13		1/13					
81	1/8	1/13; 1/19			1/19/81				
82	1/8	1/13; 1/19			1/19/81				
86	1/9	1/14; 1/19				1/19/81			
87	1/9	1/14		1/19					
92	1/10	1/16; 1/19			1/19/81				
93	1/10	1/16; 1/19			1/19/81				

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 9, 1981

The second meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in room 442 of the State Capitol Building at 10:00 o'clock a.m.

ROLL CALL: All members were present except Senators Towe and Hafferman.

CONSIDERATION OF SENATE BILL NO. 62:

TO PROVIDE THAT FINES, ETC., PAID TO
DEPARTMENT OF STATE LANDS, ETC., ARE
CREDITED TO THE GENERAL FUND.

The chairman introduced Senator Joseph Mazurek, Helena, District 16, author of the bill, to present his testimony on Senate Bill No. 62.

Senator Mazurek introduced two other proponents of the bill, Mr. Brace Hayden from the Department of State Lands and Mr. John Osborne from the same department.

Senator Mazurek explained his bill will provide for the deposit to the general fund of monies collected by the Department of State Lands under the Strip and Underground Mine Siting Act and the Strip and Underground Mine Reclamation Act. The monies that are presently in the State Treasury that were collected for fines, fees, and penalties paid to the Department of State Lands will be transferred to the general fund.

Questions were asked and answered by the committee.

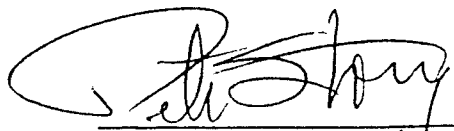
Senator Story closed the hearing of the Senate Bill No. 62 by appointing a sub-committee of one, Senator Kolstad, to work with Senator Mazurek in the possibility of making amendments to this bill to clarify where the bonds forfeiture proceeds go.

Chairman Story discussed the possibility of a ten o'clock conflict regarding the committee meeting schedule. Senators Kolstad and Ryan have conflicting schedules. Senator Story stated that the committee must have a quorum of four members, and again he stressed that voting times would be scheduled and members notified. Possibly, executive sessions would be arranged.

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Senator Story announced that if he is unavoidably tardy, another is to be appointed and start the meeting. Senator Johnson announced she will be absent Monday, January 12, 1981.

ADJOURNMENT: There being no further business to bring before the committee, the meeting was adjourned at 10:20 a.m.



Pete Story, Chairman

and meeting

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1-9-81

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman		✓	
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe		✓	

Each day attach to minutes.

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

(Please leave prepared statement with Secretary)

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 13, 1981

The fourth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF SENATE BILL NO. 78:

AN ACT TO REVISE THE DETERMINATION OF DISTANCE
LIMITATIONS FOR THE ISSUANCE OF A LIQUOR LICENSE:
EXCEPTING LICENSES ALREADY ISSUED...

Senator Elmer Severson, Stevensville, District 46, sponsor of the bill, would like to revise the manner in determining the 5-mile distance. The present law defines it in a straight line; the new bill would have it measured by the shortest practical route.

PROPONENTS:

Elmer Cherry claimed he could not get a liquor license because he is under the 5-mile limit under the present law. However, under the proposed law he is over the limit by auto and would be eligible if the bill passes.

Robert Durkee, representing the Montana Tavern Assn., expressed that they are for Bill No. 78.

CONSIDERATION ON SENATE BILL NO. 81:

AN ACT TO PROVIDE FOR AN AID TO DEPENDENT
CHILDREN UNEMPLOYED PARENT PROGRAM BY CHANGING
REFERENCES IN THE CURRENT PROGRAM FROM "UNEMPLOYED
FATHER" TO "UNEMPLOYED PARENT"

Senator Dorothy Eck, Bozeman, District 39, sponsor of the bill stated that this is a housekeeping bill that has very little other relevance.

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January 13, 1981

PROPOSERS: None.

OPPOSERS:

Mr. Larry Nachtseim, testimony included, was in opposition to this bill because the cost for the employer would be \$695 per person per year. He claims there is not adequate funding for the bill, and his second reason for opposing it is that it is precedent setting.

Bob Johnson read his testimony of opposition, which is included.

Questions from the committee:

Senator Towe asked if people would be opposed to the bill if they had to pay their way in, including the state share. Senator Eck answered that it would be appropriate.

Senator Story appointed a subcommittee of Senators Ryan and Johnson to review this Senate Bill No. 82.

ACTION ON SENATE BILL NO. 62:

Senator Kolstad moved that S.B. No. 62 DO PASS. It passed by unanimous vote.

ACTION ON SENATE BILL NO. 71:

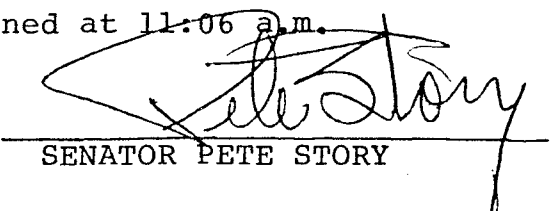
Senator Kolstad moved that the bill do not pass; a substitute motion was made by Senator Towe that this bill be amended. This motion passed by majority vote. He then moved the amendments be passed, which provided that annotations would not be provided free so that the cost would be absorbed by the users. The motion passed by majority vote. He then moved that the bill DO PASS, AS AMENDED. The motion passed by majority vote, with Senators Story and Ryan voting "No".

ACTION ON S. B. NO. 72: Senator Hammond moved that this bill DO PASS. It was seconded and motion carried by unanimous vote by those present.

ACTION ON SENATE BILL NO. 81: Senator Towe moved that this bill DO PASS. The vote ended in a tie and will have to be determined by Senator Johnson who was absent.

ACTION ON SENATE BILL NO. 78: Senator Hafferman moved that this bill DO PASS, and motion was carried by majority vote with Senator Ryan voting "NO".

ADJOURNMENT: The meeting was adjourned at 11:06 a.m.


SENATOR PETE STORY

10:00 a.m. meeting

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1-13-81

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

January 13, 1981

MR. **President**

We, your committee on **State Administration**

having had under consideration **Senate** Bill No. **62**

Respectfully report as follows: That **Senate** Bill No. **62**

DO PASS

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17
EP

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 1/13/81 Bill No. 62 Time

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan	X	
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Senator Kolstad Moved that Senate Bill No. 62 DO PASS;
motion was seconded and carried by unanimous vote.

(include enough information on motion--put with yellow copy of committee report.)

NATURAL RESOURCES COMMITTEE

47th Legislature

Page 2

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
* 236	To generally revise the Montana major facility siting act; ...	1/15	Moore	2/11/81	INDEFINITELY POSTPONED	2/11/81
SB 62	To provide that fines, fees, and penalties paid to the Dept. of State Lands under the strip and underground mine siting act,...credited to the General Fund...	1/19	Mazurek	1/26/81	DO PASS	1/28/81
334	To require legislative approval before state ambient air quality standards or emission standards more stringent than federal standards may become effective ...	1/19	Kanduch	1/26/81	AS AMENDED DO PASS	2/21/81
373	An act creating the position of permit facilitator in the governor's office and setting forth the responsibilities...	1/19	Kemmis	1/26/81	DO NOT PASS	1/28/81
392	To generally revise the metal mine reclamation Law; ...	1/21	Kanduch	2/6/81	TABLED	2/9/81

1 SENATE BILL NO. 62
 2 INTRODUCED BY MAZUREK
 3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT FINES,
 6 FEES, AND PENALTIES PAID TO THE DEPARTMENT OF STATE LANDS
 7 UNDER THE STRIP AND UNDERGROUND MINE SITING ACT, AND THE
 8 STRIP AND UNDERGROUND MINE RECLAMATION ACT ARE CREDITED TO
 9 THE GENERAL FUND; AMENDING SECTIONS 82-4-113, 82-4-240, AND
 10 82-4-241, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 82-4-113, MCA, is amended to read:

14 "82-4-113. Receipts paid into special fund -- use of
 15 fund. ~~At~~ Except for bond forfeiture moneys, all fees,
 16 ~~forfeit-funds penalties,~~ and other moneys available or paid
 17 to the department under the provisions of this part shall be
 18 placed in the state treasury and credited to ~~a special~~
 19 ~~agency--account--to--be--designated--as--the--mining--and~~
 20 ~~reclamation--funds--This--fund--shall--be--available--to--the~~
 21 ~~department--by--appropriation--and--shall--be--expended--for--the~~
 22 ~~administration--and--enforcement--of--this--part--and--for--the~~
 23 ~~reclamation--and--revegetation--of--land--and--the--rehabilitation~~
 24 ~~of--water--affected--by--any--mining--operations--Any~~
 25 ~~unencumbered--and--any--unexpended--balance--of--this--fund~~

1 ~~remaining--at-the-end-of-any-fiscal-year-shall-not-lapse-but~~
 2 ~~shall-be-carried-forward-for-the-purposes-of-this-part-until~~
 3 ~~expended-or-until--appropriated--by--subsequent--legislative~~
 4 ~~action the general fund."~~

5 Section 2. Section 82-4-240, MCA, is amended to read:

6 "82-4-240. Reclamation of lands after bond forfeited.
 7 In keeping with the provisions of this part, the board may
 8 reclaim any affected lands with respect to which a bond has
 9 been forfeited ~~and use moneys appropriated from the mining~~
 10 ~~and reclamation fund for such purposes."~~

11 Section 3. Section 82-4-241, MCA, is amended to read:

12 "82-4-241. Receipts paid into special fund -- use of
 13 fund. ~~At~~ Except for bond forfeiture moneys, all fees,
 14 ~~forfeit--funds penalties,~~ and other moneys available or paid
 15 to the department under the provisions of this part shall be
 16 placed in the state treasury and credited to ~~a special~~
 17 ~~agency--account--to--be--designated--as--the--mining--and~~
 18 ~~reclamation funds--This fund shall be available to the~~
 19 ~~department--by--appropriation--and--shall--be--expended--for--the~~
 20 ~~administration--and--enforcement--of--this--part--and--for--the~~
 21 ~~reclamation--and--revegetation--of--land--and--the--rehabilitation~~
 22 ~~of--water--affected--by--any--mining--operations--Any~~
 23 ~~unencumbered--and--any--unexpended--balance--of--this--fund~~
 24 ~~remaining--at-the-end-of-any-fiscal-year-shall-not-lapse--but~~
 25 ~~shall-be-carried-forward-for-the-purposes-of-this-part-until~~

LC 0246/01

- 1 expended--or--until--appropriated--by--subsequent-legislative
- 2 action the general fund."

-End-

MINUTES OF THE MEETING OF THE NATURAL RESOURCES COMMITTEE
JANUARY 26, 1981

The House Natural Resources Committee convened in Room 437 of the Capitol Building on Monday, January 26, 1981, at 12:30 p.m. with CHAIRMAN DENNIS IVERSON presiding and all other members present.

CHAIRMAN IVERSON opened to a hearing on HB 373.

HOUSE BILL 373 REP. DANIEL KEMMIS, chief sponsor, presented the bill which would create the position of permit facilitator in the governor's office. It would establish an information center and would encourage federal and local agencies to help with obtaining permits. Application for permits in the natural resources area is complex and people need help in obtaining the permits. May be able to use some staff in the governor's office or could possibly need to hire two additional people.

RON PHOENIX, staff for the Environmental Quality Council, gave detailed background information on the bill. It is attached as Exhibit 1.

JOHN NORTH, an attorney for the Department of State Lands, spoke in support of the bill saying his department tries to coordinate as much as possible. They try to tell people what will be expected from other agencies but it is not always possible. There is a need for someone who is expert in this area to coordinate. MR. NORTH emphasized this would be a voluntary program and not mandatory. Attached as Exhibit 2 is a list of amendments the Department of State Lands and the governor's office would like included in the bill.

There were no OPPONENTS.

REP. KEMMIS closed the bill saying the E. Q. C. would like to have a more detailed bill, but they have settled on the permit facilitator.

During questions from the committee, REP ASAY asked if programs in the other states are more complicated than the one proposed for Montana. The answer was that some are and some are not.

The hearing on HB 373 closed and the one on SB 62 opened.

SENATE BILL 62 SENATOR JOSEPH MAZUREK, sponsor, presented the bill that would provide that fines paid to the Department of State Lands be credited to the general fund. The current system forces the department to estimate the amount of fines they will collect in a year and that is very difficult to do. With this bill, the money would go into the general fund and would eliminate the earmarking of revenues. This bill does not deal with bond forfeitures.

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Natural Resources
January 26, 1981
Page 2

JIM MOCKLER of the Montana Coal Council spoke as a proponent.

JOHN NORTH, an attorney for the Department of State Lands, also supported the bill. The department does not collect fines to cover expenses and would prefer to have a system that does not imply that it does.

There were no OPPONENTS.

During questions from the committee, REP. KEEDY asked what happens to the bond forfeitures. JOHN OSBORNE of the Department of State Lands explained that the funds go to pay for land reclamation or eventually are turned back to the industry.

The hearing on SB 62 closed.

The hearing on HB 334 opened in Room 104.

HOUSE BILL 334 REP. JOE KANDUCH, SR., chief sponsor, presented the bill which would require legislative approval before state ambient air quality standards or emission standards more stringent than federal standards may become effective. See Exhibit 1.

REP. KANDUCH stated he had no objections to amendments to this bill provided it does not change the intent of the bill.

CHAIRMAN IVERSON stated that proponents and opponents would each have 35 minutes for testimony.

PROPOSERS J. D. MOCKLER of the Montana Coal Council offered some amendments which are attached as Exhibit 2. He felt that with legislature control the people of the state have more to say about the issue.

JAMES SIEVERSON of the ASARCO plant at East Helena told the committee that the smelter employs 300 people with a payroll of 7 million dollars annually. There are only six lead smelters left in the country. In the brief history of his company, MR. SIEVERSON said they have met the standards required by law. He feels that the current federal standards are stringent enough and that it is not necessary to have the proposed state ones. ASARCO has had a variance from the state.

BILL HAND, Executive Secretary of the Montana Mining Association, said companies cannot endure living under heavy compliance rules. Most provide for reasonable standards and comply with design of the plants.

23

COMMITTEE

Date 9 /26/81

TNSOR MAZUREK

2a

THE MINUTES OF THE NATURAL RESOURCES COMMITTEE
JANUARY 28, 1981

The House Natural Resources Committee met in Room 437 in the Capitol Building on January 28, 1981, Wednesday, at 12:30 p.m. with CHAIRMAN DENNIS IVERSON presiding and eighteen members present.

CHAIRMAN IVERSON opened the hearing on HB 397.

HOUSE BILL 397 REP. KATHLEEN MCBRIDE, chief sponsor, presented the bill together with some amendments, attached as Exhibit 1. This bill provides for the lease of water projects under the control of the Department of Natural Resources for hydroelectric development. There currently is no guidance for leasing of hydroelectric developments. The department would have a preliminary investigation of the lease. The board would then solicit additional applications. The board then holds a hearing and within a certain time must accept an application.

Speaking as a proponent of the bill was LEO BERRY, Director of the Department of Natural Resources. His department would like to have the legislative guidance as to issuing a lease. It could assist the agency.

ANN WILSNACK, representing A. E. R. O., spoke in favor of the bill also. Felt it would be a good idea for the department to have the necessary guidance in this area.

There were no OPPONENTS.

REP. MCBRIDE closed on the bill.

During questions from the committee, REP. BERTELSEN asked if REP. MCBRIDE was familiar with SB 229. She said yes and that it is possible the two bills will mesh.

REP. SALES questioned whether there are existing dams to apply this to. MR. BERRY mentioned the state owned dam at Toston as well as a number of others in the state that have the same capabilities.

GARY FRITZ stated that the department hires consultants to determine feasibility.

REP. SALES asked if the department then goes out looking for applicants. MR. BERRY said there is nothing in the law that provides for that.

REP. CURTISS said Vigilante Electric was interested in one of these projects and had applied for a permit. Will they be given preference? MR. FRITZ replied no preference is given but they could match the other bids.

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SENATE BILL 62 REP. SALES moved DO PASS. It was seconded and PASSED unanimously.

HOUSE BILL 373 DEBBIE SCHMIDT, researcher, explained the amendments including some submitted by REP. BURNETT. He felt this position of permit facilitator could be handled by the Lieutenant Governor or his office.

REP. SHELDEN stated the intent of this bill is to create the office of permit facilitator and not to say who will be in charge of the position.

REP. BERTELSEN moved DO PASS on amendment three dealing with defining "permit".

Motion on amendments 1, 2, 4, 5, 6, and 7 by REP BURNETT to DO PASS. Seconded and REPS. BURNETT, CURTISS, SALES, ABRAMS, and HARP in favor and REPS. IVERSON, MUELLER, NORDTVEDT, ASAY, BERTELSEN, ROTH, COZZENS, QUILICI, HUENNEKENS, KEEDY, SHELDEN, BROWN, NEUMAN, and HART opposing. Motion failed.

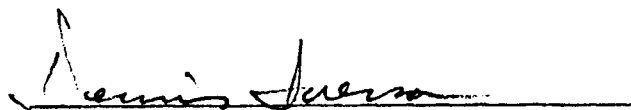
Motion made to change page 1, line 11 "shall" to "may". Seconded and passed with REPS. KEEDY and BURNETT opposing.

Motion to DO PASS AS AMENDED made and seconded. REPS. HART and NEUMAN felt it added another layer to the bureaucracy. REP. HUENNEKENS thought new, small operators could use this type of help in applying for permits. REP. BERTELSEN said big companies are familiar with the process but small operators have a lot of problems.

The motion of DO PASS on the bill failed with REPS. BURNETT, CURTISS, SALES, MUELLER, NORDTVEDT, ASAY, HARP, ROTH, COZZENS, KEEDY, BROWN, voting against and REPS. IVERSON, BERTELSEN, HUENNEKENS, SHELDEN, ABRAMS, NEUMAN, and HART in favor.

The meeting adjourned at 3:00 p.m.

Respectfully submitted,


DENNIS IVERSON, CHAIRMAN

Ellen Engstedt, Secretary

SENATE BILL NO. 62

INTRODUCED BY MAZUREK

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT FINES, FEES, AND PENALTIES PAID TO THE DEPARTMENT OF STATE LANDS UNDER THE STRIP AND UNDERGROUND MINE SITING ACT, AND THE STRIP AND UNDERGROUND MINE RECLAMATION ACT ARE CREDITED TO THE GENERAL FUND; AMENDING SECTIONS 82-4-113, 82-4-240, AND 82-4-241, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-4-113, MCA, is amended to read:

"82-4-113. Receipts paid into special fund -- use of fund. ~~+++ Except for bond forfeiture moneys, all~~ fees, ~~forfeit-funds penalties,~~ and other moneys available or paid to the department under the provisions of this part shall be placed in the state treasury and credited to a special agency account to be designated as the mining and reclamation funds. This fund shall be available to the department by appropriation and shall be expended for the administration and enforcement of this part and for the reclamation and revegetation of land and the rehabilitation of water affected by any mining operations. Any unencumbered and any unexpended balance of this fund

~~remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of this part until expended or until appropriated by subsequent legislative action the general fund."~~

Section 2. Section 82-4-240, MCA, is amended to read:

"82-4-240. Reclamation of lands after bond forfeited.

In keeping with the provisions of this part, the board may reclaim any affected lands with respect to which a bond has been forfeited ~~and use moneys appropriated from the mining and reclamation fund for such purposes."~~

Section 3. Section 82-4-241, MCA, is amended to read:

"82-4-241. Receipts paid into special fund -- use of fund. ~~+++ Except for bond forfeiture moneys, all~~ fees, ~~forfeit-funds penalties,~~ and other moneys available or paid to the department under the provisions of this part shall be placed in the state treasury and credited to a special agency account to be designated as the mining and reclamation funds. This fund shall be available to the department by appropriation and shall be expended for the administration and enforcement of this part and for the reclamation and revegetation of land and the rehabilitation of water affected by any mining operations. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of this part until

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- 1 expended--or--until--appropriated--by--subsequent--legislative
- 2 action the general fund."

-End-